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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Written statement submitted by Amnesty International, the International Federation of Human Rights Leagues, Human Rights Watch and Reporters sans frontières, international non-governmental organizations in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council Resolution 1996/31.

[14 January 1999]

GE.99-10599 (EXT)

Situation of human rights in Algeria

1. In April 1998, the Commission on Human Rights, at its forty-fourth session, completed its work without taking any firm measure to address the crisis that has faced Algeria since 1992. The above-mentioned organizations hope that the fifty-fifth session of the Commission will at last make for more active involvement on the part of the international community, so that practical measures are taken to improve the human rights situation in Algeria, notably by putting a stop to massive violations and providing the civilian population with effective protection. Three reasons make this request still necessary today: a) the persistence of the human rights crisis in Algeria; b) the authorities' failure to take specific measures to face up to the grave and widespread violations and to put an end to the impunity enjoyed by members of the security forces, State-armed militias and armed groups responsible for serious violations and abuses; and c) the Algerian Government's continued refusal, despite earlier promises, to cooperate fully with the United Nations human rights protection mechanisms.

A continuing human rights crisis

2. During the countrys seven-year conflict, armed groups operating under a variety names and claiming to be "Islamic" have committed massive and flagrant human rights violations: assassinations of civilians, indiscriminate attacks and massacres. These groups have also raped and mutlilated women and girls and harassed and attacked women whom they accuse of "immoral" conduct, including going out to work or attending school, not wearing the veil and militating for women's rights. The truce called between the authorities and the Islamic Salvation Army (ISA) in late 1997, in circumstances that are still obscure, has done nothing to end the attacks of which civilians are the main victims. Certain armed groups have apparently supported the truce, while others are violently opposed to it. Although this information is not easily verifiable, armed groups nonetheless continue their depredations.

3. Amnesty International, IFHR, Human Rights Watch and Reporters sans frontières have, in the strongest terms, consistently and categorically denounced the murders and other crimes perpetrated by these armed groups and urged the Algerian Government to take the necessary steps to guarantee the safety of the civilian population, in compliance with Algeria's international commitments.

4. During that very period, the security forces made thousands of unlawful and arbitrary arrests, torturing detainees and violating their rights both during police custody and following their appearance before a judge. Thousands of persons in Algeria have disappeared following arrest. Dozens of prisoners have been killed on the prretext of putting down "mutinies" or "attempts to escape" and although many of the large-scale massacres in the countryside have been officially imputed to armed groups, it is disquieting to observe the deliberate refusal to allow the security forces to intervene in certain cases

5. Also, since 1994 the authorities have permiteed State-armed civilian militias calling themselves "patriots" to operate outside the law and carry out so-called "anit-terrorist" military operations in the name of legitimate defence. The law concerning the Legitimate Defence Groups (GLD) which, since

January 1997, encompasses the activities of these militias (put at 5,000 in January 1998 by former Prime Minister Ouyahia) is not observed by the militias, who have continued to commit grave violations with impunity. Hundreds of accounts show that units of the security forces have executed persons suspected of belonging to, or supporting, the armed groups. Likewise, they are alleged to have taken indiscriminate collective reprisals against the inhabitants of areas where attacks had recently been carried out.

6. Added to these entirely unlawful practices, certain laws adopted since 1992 have contributed to large-scale human rights violations: arbitrary arrests, secret detention in unofficial centres, widespread use of torture, summary executions, "disappearances", non-observance of the time frames established for police custody and pre-trial detention, violations of the right to a fair trial, infringement of the right of association and the right to demonstrate and freedom of the press. Thus, the state of emergency proclaimed in February 1992 is still in place, the independence of the Judiciary continues to be drastically limited and disabling provisions under the September 1992 "anti-terrorist decree" are now an integral part of Algerian ordinary law.

Fears confirmed

7. Since early 1998, there has been information confirming the international organizations' diagnosis of some years ago on the scope of the human rights crisis. Former high-level government officials have publicly corroborated reports that certain security forces were involved in grave violations. Hence, in October 1998, the Government confirmed that 27 prisoners had been smothered to death while being transferred from one prison to another in June 1997, a fact made public by a former military security official. During the same period, the existence of secret detention centres was confirmed by the statements of former Moroccan prisoners who had been "disappeaared" in Algeria for 17 years and released in late 1996 through the intervention of the International Committee of the Red Cross (ICRC).

8. After years of silence, the families of thousands of persons "disappeared" after being kidnapped or arrested by the security forces have begun to demonstrate in public and have formed an association. So far, 3,000 cases of forced "disappearances" have been inventoried and dossiers concerning 1,750 of them have been deposited with the Ministry of the Interior. At the time of writing, the Ministry has shed no light on the cases before it, has refused to accept new dossiers or to recognize this association, the statutes of which are in conformity with Algerian law. A number of demonstrations by families of "disappeared" have been broken up by force or refused authorization.

9. In July 1998, the United Nations Human Rights Committee expressed its concern at the human rights situation in Algeria and made the following recommendations to the Algerian Government:

a) creation of appropriate independent mechanisms for investigating violations of the right to life and personal safety and for identifying and sentencing the guilty parties;

b) the creation of a credible monitoring system for preventing the torture of prisoners;

c) establishment of a clearing-house for recording all the reported cases of disappearance and helping families to find disappeared relatives.

Refusal of transparency and cooperation

10. The Algerian authorities have rejected the Human Rights Committee's observations and continue to refuse the United Nations Special Rapporteurs on torture and on extrajudicial, summary and arbitrary executions access to the country; so far the ICRC has still not been authorized to resume prison visits suspended since 1992. The report of the United Nations panel that visited Algeria in July 1998 states that the mission had neither the "mandate nor resources" to conduct investigations and the that Algerian Government had firmly demanded that its observations not be followed up.

Recommendations

11. The signatory organizations request the Commission on Human Rights to appeal to the Algerian Government to take specific measures to provide protection for the civilian population and put an end to human rights violations. With that in view, they call upon the Commission:

a) To appoint a special rapporteur on Algeria;

b) To request that the Algerian Government:

i) Cooperate fully with the United Nations human rights protection mechanisms and that it be encouraged to:

a. implement the final observations of the Human Rights Committee;

b. grant the Special Rapporteurs on torture and on extrajudicial, summary or abitrary executions access to the country and invite the Working Group on forced or involuntary disappearance, as well as the Special Rapporteurs on violence against women and on the independence of the Judiciary, to visit the country.

ii) Hold independent, impartial inquiries on all cases of "disppearance", inform the families of the "disappeared" of their fate and release all "disappeared" persons who are in the hands of the security forces;

iii) Conduct independent, impartial inquiries into all cases of extrajudicial executions and murders and massacres, as well as all cases of torture, and bring those responsible to trial;

iv) Ensure that security operations are conducted exclusively by law-enforcement officers with the necessary training, who shall be required to answer for their actions, and, for that purpose, to dismantle the civilian militias if they are not subject to State control.